

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



JFw

In re Application of:

Joern Ostermann

Serial No.: **10/003,093**

Filed: **November 2, 2001**

**FOR: SYSTEM AND METHOD FOR
SENDING MUTLI-MEDIA MESSAGES
USING CUSTOMIZABLE
BACKGROUND IMAGES**

**The Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

:
:
: Attorney Ref.: **2001-0600C**
:
: Confirmation No. **5351**
:
: Art Unit: **2655**
:
: Examiner: **Minerva Rivero**
:
:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08A. Unless otherwise indicated herein, one copy of each reference that is not a US Patent reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. In accordance with 37 C.F.R. §1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b).



1. This information disclosure statement is being filed within three months of the filing date of a national application other than a continued prosecution application under §1.53(d); within three months of the date of the entry of the national stage as set forth in §1.491 in an international application; before the mailing of a first Office action on the merits; or before the mailing of a first Office action after the filing of a request for continued examination under §1.114. No certification or fee is required. (37 C.F.R. §1.97(b)). If a first office action was mailed before the filing of this IDS, please debit deposit account 502960 the necessary fees set forth in 37 C.F.R. §1.17(p) to proceed to consider the cited references.



2. This information disclosure statement is being filed more than three months after the filing date of a national application other than a continued prosecution application under §1.53(d); more than three months after the date of the entry of the national stage as set forth in §1.491 in an international application; after the mailing date of a first Office action on the merits, or after the mailing of a first Office action after the filing of a request for continued examination under §1.114, but before the mailing date of any of a Final action under §1.113, a Notice of Allowance under §1.311 or an action that otherwise closes prosecution in the application. (37 C.F.R. §1.97(c)).

- a. I hereby certify that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement. (37 C.F.R. §1.97 (e)(1)).
- b. Except for the resubmission of references that were previously submitted with incorrect patent numbers and except for the resubmission of non-patent references that were listed on previous PTO-1449 forms, without the non-patent references themselves being submitted to the Patent Office, I hereby certify that no item of new information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and to my knowledge after making reasonable inquiry, no item of new information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement. (37 C.F.R. §1.97 (e)(2)).
- c. Attached is a credit card payment form and Fee Transmittal for payment of \$180 to cover the fee under 37 C.F.R. §1.17(p) and to ensure consideration of the disclosed information. If necessary to process this IDS, please debit Deposit Account No. 502960 any additional amount in order to ensure consideration of this IDS.
3. This information disclosure statement is being filed after the mailing date of any of a Final action under §1.113, a Notice of Allowance under §1.311, or an action which otherwise closes prosecution, whichever occurs first, but on or before payment of the Issue Fee. (37 C.F.R. §1.97(d)).
- a. I hereby certify that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement. (37 C.F.R. §1.97(e)(1)).
- b. I hereby certify that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement. (37 C.F.R. §1.97(e)(2)).
- c. Please debit Deposit Account No. _____ in the amount of _____ to cover the fee under 37 C.F.R. §1.17(p) and ensure consideration of the disclosed information.

Respectfully submitted,

By: Richard C. Irving

Date: May 9, 2005

Correspondence Address:

Samuel H. Dworetzky
AT&T Corp.
Room 2A-207
One AT&T Way
Bedminster, NJ 07921

Richard C. Irving
Attorney for Applicants
Reg. No. 38,499
Phone: 410-414-3056
Fax No.: 410-510-1433

PATENT APPLICATION

PTO/SB/08A MODIFIED

Substitute for form 1449A/PTO				Complete if Known		
				Application Number	10/003,093	
				Filing Date	November 2, 2001	
				First Named Inventor	Joern Ostermann	
				Group Art-Unit	2655	
				Examiner Name	Minerva Rivero	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)						
Sheet		of	4			
				Attorney Docket Number	2001-0600C	

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		US-6,460,075 B2		Kruger, et al.	10-2002	
		US-6,784,901 B1		Harvey et al.	08-2004	
		US-6,496,868 B2		Krueger et al.	12-2002	
		US-6,680,934 B1		Cain, Bradley	01-2004	
		US-6,631,399 B1		Stanczak, et al.	10-2003	
		US-6,665,860 B1		De Santis, et al.	12-2003	
		US-6,466,213		Bickmore, et al.	10-2002	
		US-6,018,744		Mamiya et al.	01-2000	
		US-5,537,662		Sato, et al.	07-1996	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Office ³	Number (if known)			
Examiner Signature				Date Considered		

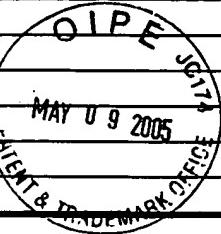
OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS						
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				T ²
	1	H. NOOT, ZS. M. RUTKAY, "Cartoon 20.0 Manual, January 31. 2000				<input type="checkbox"/>

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

PATENT APPLICATION

PTO/SB/08A MODIFIED

Substitute for form 1449A/PTO				Complete if Known			
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	10/003,093		
Sheet	2	of	4	Filing Date	November 2, 2001		
				First Named Inventor	Joern Ostermann		
				Group Art Unit	2655		
				Examiner Name	Minerva Rivero		
				Attorney Docket Number	2001-0600C		

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		US-6,532,011		Francini, et al.	3-2003	
		US-6,147,692		Shaw, et al	11-2000	
		US-4,276,570		Burson, et al.	06-1981	
		US-5,638,502		Murata, Yoshiuki,	06-1997	
		US-5,818,461		Rouet et al.	10-1998	
		US-6,476,815		Ando, Tsutomu	11-2002	
		US-6,381,346		Erasian, Arsev H.	04-2002	
		US-5,995,639		Kado, et al.	11-1999	
		US-5,689,618		Gasper, et al.	11-1997	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number (if known)	Kind Code ²				
Examiner Signature					Date Considered			

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	2	LIJUN YIN, A. BASU; "MPEG4 face modeling using fiducial points", IEEE; Image Processing, 1997. Proceedings., International Conference on, Volume: 1, 26-29. 1997	<input type="checkbox"/>

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents ³Enter Office that issued the document, by the two letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

PATENT APPLICATION

PTO/SB/08A MODIFIED

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known		
				Application Number	10/003,093	
				Filing Date	November 2, 2001	
				First Named Inventor	Joern Ostermann	
				Group Art Unit	2655	
				Examiner Name	Minerva Rivero	
Sheet	3	of	4	Attorney Docket Number	2001-0600C	

O I P E S C
MAY 09 2005
PATENT & TRADEMARK OFFICE

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		US-6,532,011		Francini, et al.	3-2003	
		US-6,147,692		Shaw, et al	11-2000	
		US-4,276,570		Burson, et al.	06-1981	
		US-5,638,502		Murata, Yoshiuki,	06-1997	
		US-5,818,461		Rouet et al.	10-1998	
		US-6,476,815		Ando, Tsutomu	11-2002	
		US-6,381,346		Erasian, Arsev H.	04-2002	
		US-5,995,639		Kado, et al.	11-1999	
		US-5,689,618		Gasper, et al.	11-1997	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Office ³	Number (if known)	Kind Code ²		
Examiner Signature				Date Considered		

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS						
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				T ⁶
	2	LIJUN YIN, A. BASU; "MPEG4 face modeling using fiducial points", IEEE; Image Processing, 1997. Proceedings., International Conference on, Volume: 1, 26-29. 1997				<input type="checkbox"/>

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents ³Enter Office that issued the document, by the two letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A/PTO				Complete if Known														
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				<table border="1"> <tr> <td>Application Number</td> <td>10/003,093</td> </tr> <tr> <td>Filing Date</td> <td>November 2, 2001</td> </tr> <tr> <td>First Named Inventor</td> <td>Joern Ostermann</td> </tr> <tr> <td>Group Art Unit</td> <td>2655</td> </tr> <tr> <td>Examiner Name</td> <td>Minerva Rivero</td> </tr> <tr> <td>Attorney Docket Number</td> <td>2001-0600C</td> </tr> </table>			Application Number	10/003,093	Filing Date	November 2, 2001	First Named Inventor	Joern Ostermann	Group Art Unit	2655	Examiner Name	Minerva Rivero	Attorney Docket Number	2001-0600C
Application Number	10/003,093																	
Filing Date	November 2, 2001																	
First Named Inventor	Joern Ostermann																	
Group Art Unit	2655																	
Examiner Name	Minerva Rivero																	
Attorney Docket Number	2001-0600C																	
Sheet	4	of	4															



U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Office ³	Number (if known)	Kind Code ³			
Examiner Signature					Date Considered		

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS						
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				
	5	DAVID KURLANDER, TIM SKELLY, DAVID SALESIN, "Comic Chat", Proceedings of the 23rd Annual Conference on Computer Graphics and Interactive Techniques, August 1996				
	6	POLLACK, "Happy in the East or Smiling in the West", New York Times. 12, August 1996.				
	7	PELACHAUD, ET AL. "Generating Facial Expressions for Speech", Cognitive Science, Jan. 3, 1996, Vol. 20, no. 1, pp. 1-46.				

Examiner Signature		Date Considered
--------------------	--	-----------------

¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ²Unique citation designation number. ³See attached Kinds of U.S. Patent Documents. ⁴Enter Office that issued the document, by the two letter code (WIPO Standard ST.3). ⁵For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁶Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁷Applicant is to place a check mark here if English language Translation is attached.